IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4025 OF 2007

K. M. Khan .... Petitioner

versus

Smt. Vinoda S.Acharya & anr..... Respondent.

Shri R.R.Tiwari for the petitioner.

Shri S.B.Amin for respondents

CORAM; A.P. DESHPANDE, J.
DATED; 16TH AUGUST, 2007

P.C.;

1. The present petitioner is the landlord, who has instituted a suit in the Court of Small Causes for possession. The possession is claimed on the ground of defendant being in arrears of rent and that he has made additional alterations without consent of the land lord and for bonafide requirement etc. The suit has been filed way back in the year 1986. The plaintiff's evidence is over and I am informed that part of the evidence of the defendant as well is over. At the belated stage, the petiitoner/plaintiff made an application for amendment of the plaint with a view to insert the additional ground of subletting of the premises by defendant. The rejection of the said amendment application has given raise to the filing of

this writ petition.

2. The progress of the suit is bound to be obstructed and halted if amendment is allowed and no real prejudice will be caused to the present petitioner on account of the rejection of the amendment application in as much as a fresh suit can be brought for possession on the ground of unauthorised subletting.

3. Perused the order. The same does not suffer from any patent illegality warranting interference in exercise of writ jurisdiction. Petition is thus summarily dismissed.

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